

relative to the case of John W. Irwin, decided by Chief Justice Pearson, on a writ of *habeas corpus*.

I am instructed to disregard this opinion officially.

I am, Governor,

With high regard,

Your obedient servant,

PETER MALLETT, *Col.*,
Commdt. of Conscripts for N. C.

CONFEDERATE STATES OF AMERICA,
Bureau of Conscription,
Richmond, Va., May 11, 1863.

Col. MALLETT,

Supt. Conscription, N. C.,

COLONEL:—I am directed by the Superintendent to furnish for your information and guidance the following decision of the Secretary of War:

To Bureau of Conscription:—

The report submitted by you, of the case of John W. Irwin, decided by Mr. Chief Justice Pearson in a writ of *habeas corpus*, has been considered by the Department. The act of April 16, 1862, ¶ 9, (Conscription Act,) provides "that persons not liable for duty may be received as substitutes for those who are, under such regulations as may be prescribed by the Secretary of War."

The regulations made by the War Department are usually promulgated in orders. In Gen'l. Orders No. 64, (3th Sept.) the Secretary decided that "a substitute becoming liable to conscription, renders his principal also liable, unless exempt on other grounds." Again, in Gen'l. Orders No. 82, (3d of Nov. 1862,) it was published that, "In all cases in which a